



**Reply Under 37 C.F.R. § 1.116
Expedited Procedure - Art Unit 1626**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Charles E. Sumner, Jr.

Appl. No. 09/360,947

Filed: July 27, 1999

For: **Methods for Separating a
Tocopherol From a Tocopherol-
Containing Mixture and
Compositions Thereof**

Confirmation No.: 4894

Art Unit: 1626

Examiner: Saeed, K. A.

Atty. Docket: 1533.1340004/SRL/BLS

Reply Under 37 C.F.R. § 1.116

Mail Stop AF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated January 14, 2003 (PTO Prosecution File Wrapper Paper No. 31), Applicant submits the following Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

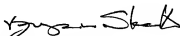
Commissioner for Patents
July 14, 2003
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan L. Skelton
Agent for Applicant
Registration No. 50,893

BLS/dab
:ODMAMHODMA\SKGF_DC1:154540;1
Enclosures

**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Sanford
Tacy-Gene G. Durkin
Michelle A. Cimbal
Michael R. Ray
Robert E. Sokol
Eric K. Steffe
Michael G. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Milling
Lawrence B. Bugalsky
Donald J. Featherstone
Michael V. Messenger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro
Donald R. Banowitz
Peter A. Lockman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Eileen Floyd
Thomas C. Fida
Brian J. Del Buono
Virgil Lee Beason
Kimberly N. Reddick

Theodore A. Wood
Elizabeth J. Haimes
Bruce E. Chutkan
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Uhler
Rae Lynn Phengamam
Jane Shesternovich
Lawrence J. Carroll
George S. Bardin
Daniel A. Klein
Rodney G. Maze
Jason L. Eisenberg
Michael D. Specht
Andrea J. Kagan
Tracy L. Muller
Jon E. Wright
Ludmire M. Yuricek

John J. Figueroa
Ann E. Summerfield
Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Helene C. Carlson
Gaby L. Longworth
Matthew J. Dowd
Aaron L. Schwartz
Angeline G. Uy
Mary B. Tung
Kathryn A. Pei
Bryan L. Skelton
Robert A. Schwartzman
Timothy A. Doyle
Jennifer R. Mahalingappa

Teresa A. Colella
Jeffrey A. Lundgren
Jennifer S. Rudenford
Eric D. Hayes

Of Counsel
Kenneth C. Bass III
Evan R. Smith

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

July 14, 2003

RECEIVED

JUL 17 2003

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

WRITER'S DIRECT NUMBER:

(202) 772-8769

INTERNET ADDRESS:

bskelton@skgf.com

Art Unit 1626

Mail Stop AF

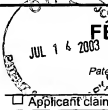
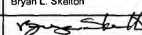
Re: U.S. Utility Patent Application
Appl. No. 09/360,947; filed July 27, 1999
For: **Methods for Separating a Tocopherol From a Tocopherol-Containing Mixture and Compositions Thereof**
Inventor: Charles E. Sumner, Jr.
Our Ref: 1533.1340004/SRL/BLS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (Form PTO/SB/17);
2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Large Entity;
4. Reply Under 37 C.F.R. § 1.116;
5. Return postcard; and
6. Credit Card Payment Form PTO-2038 for \$1,250.00 to cover:

\$930.00 Extension for response within third month (37 C.F.R. § 1.17(a)(3)); and
320.00 Notice of appeal (37 C.F.R. § 1.17(b)).

 <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2003</h3> <p style="margin: 0;"><i>Patent fees are subject to annual revision.</i></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>TOTAL AMOUNT OF PAYMENT (\$)1,250.00</p>		<p style="text-align: center;">Complete if Known</p> <p>Application Number 09/360,947</p> <p>Filing Date July 27, 1999</p> <p>First Name Inventor Charles E. Sumner, Jr.</p> <p>Examiner Name Saeed, K. A.</p> <p>Art Unit 1626</p> <p>Attorney Docket No. 1533.1340004/SRL/BLS</p>																																																																																																																																																																																			
<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other** <input type="checkbox"/> None</p> <p><small>** Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small></p> <p><input type="checkbox"/> Deposit Account Deposit Account Number 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.</p> <p>The Commissioner is authorized to: (check all that apply)</p> <p><input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any over payments</p> <p><input type="checkbox"/> Charge any additional fee(s) during the pendency of this application</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>		<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1502</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>630</td> <td>2253</td> <td>465</td> <td>Extension for reply within third month</td> <td>930</td> </tr> <tr> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td>320</td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>2451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,300</td> <td>2453</td> <td>650</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,300</td> <td>2501</td> <td>650</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>470</td> <td>2502</td> <td>235</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>630</td> <td>2503</td> <td>315</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(g)</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>750</td> <td>2809</td> <td>375</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810</td> <td>375</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>750</td> <td>2801</td> <td>375</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table> <p>Other fee (specify) _____</p>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	630	2253	465	Extension for reply within third month	930	1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal	320	1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	2451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(g)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																		
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet																																																																																																																																																																																	
1053	130	1053	130	Non-English specification																																																																																																																																																																																	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																	
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																	
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																	
1253	630	2253	465	Extension for reply within third month	930																																																																																																																																																																																
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																	
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																	
1401	320	2401	160	Notice of Appeal	320																																																																																																																																																																																
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																	
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																	
1451	1,510	2451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																	
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																	
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																	
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																	
1502	470	2502	235	Design issue fee																																																																																																																																																																																	
1503	630	2503	315	Plant issue fee																																																																																																																																																																																	
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)																																																																																																																																																																																	
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																	
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																	
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																	
<p>4. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>750</td> <td>2001</td> <td>375</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>330</td> <td>2002</td> <td>165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003</td> <td>520</td> <td>2003</td> <td>260</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>750</td> <td>2004</td> <td>375</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1105</td> <td>180</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (1) (\$) -0-</p>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1105	180	2005	80	Provisional filing fee		<p>5. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Extra</th> <th colspan="2">Fee from below</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Top Claims</th> <th>- 20** =</th> <th>X</th> <th>=</th> </tr> </thead> <tbody> <tr> <td>Indep. Claims</td> <td>- 3** = <td>X <td>=</td> <td></td> </td></td></tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>=</td> <td></td> </tr> </tbody> </table> <p>Large Entity Small Entity</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th rowspan="2">Fee Description</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>1201</td> <td>84</td> <td>2201</td> <td>42</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>1203</td> <td>280</td> <td>2203</td> <td>140</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>1204</td> <td>84</td> <td>2204</td> <td>42</td> <td>**Reissue independent claims over original patent</td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table> <p style="text-align: right;">SUBTOTAL (2) (\$) -0-</p>		Extra		Fee from below		Fee Paid	Top Claims	- 20** =	X	=	Indep. Claims	- 3** = <td>X <td>=</td> <td></td> </td>	X <td>=</td> <td></td>	=		Multiple Dependent			=		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	1202	18	2202	9	Claims in excess of 20	1201	84	2201	42	Independent claims in excess of 3	1203	280	2203	140	Multiple dependent claim, if not paid	1204	84	2204	42	**Reissue independent claims over original patent	1205	18	2205	9	**Reissue claims in excess of 20 and over original patent																																																																																									
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																		
1001	750	2001	375	Utility filing fee																																																																																																																																																																																	
1002	330	2002	165	Design filing fee																																																																																																																																																																																	
1003	520	2003	260	Plant filing fee																																																																																																																																																																																	
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																	
1105	180	2005	80	Provisional filing fee																																																																																																																																																																																	
Extra		Fee from below		Fee Paid																																																																																																																																																																																	
Top Claims	- 20** =	X	=																																																																																																																																																																																		
Indep. Claims	- 3** = <td>X <td>=</td> <td></td> </td>	X <td>=</td> <td></td>	=																																																																																																																																																																																		
Multiple Dependent			=																																																																																																																																																																																		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description																																																																																																																																																																																	
1202	18	2202	9		Claims in excess of 20																																																																																																																																																																																
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																	
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																	
1204	84	2204	42	**Reissue independent claims over original patent																																																																																																																																																																																	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																	
<p>**or number previously paid, if greater; For Reissue, see above</p>		<p>* Reduced by Basic Filing Fee Paid</p> <p style="text-align: right;">SUBTOTAL (3) (\$) 1,250.00</p>																																																																																																																																																																																			
<p>SUBMITTED BY</p> <p>Name (Print/Type) Bryan L. Skellon</p> <p>Signature </p>		<p>Complete (if applicable)</p> <p>Registration No. (Attorney/Agent) 50,893</p> <p>Telephone 202-371-2600</p> <p>Date July 14, 2003</p>																																																																																																																																																																																			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, O.P. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.